

REMARKS

This is intended as a full and complete response to the Final Office Action dated June 19, 2003, having a shortened statutory period for response set to expire on September 19, 2003. Claims 1-28, 36-42, and 44-46 are pending in the application. Claims 4, 5, 45, and 46 have been canceled without prejudice. Claims 47 and 48 have been added. Please reconsider the claims pending in the application for reasons discussed below.

Claim 4 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have amended claim 1 to include all the limitations of claim 4. Therefore, Applicants believe claim 1 and all its dependents are in condition for allowance, and respectfully request allowance of the same.

Claim 46 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have amended claim 36 to include all the limitations of claim 46 and any intervening claims. Therefore, Applicants believe claim 36 and all its dependents are in condition for allowance, and respectfully request allowance of the same.

For similar reasons as discussed in the above paragraph regarding claim 46, Applicants believe new claim 48 is in condition for allowance, and respectfully request allowance of the same.

Claims 1, 8-10, 15, 18, 36, 41, 42, and 45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Maxson*, U.S. Patent No. 6,051,131. The Examiner states that Figure 5 of *Maxson* discloses a cylindrical screen having a primary flow modifier (B4) forming an annular space therebetween. The Examiner further states *Maxson* discloses a plurality of secondary flow modifiers (B1-B3) disposed in the annular space. Additionally, the Examiner states that the primary flow modifier extends further into the interior than the secondary flow modifier.

Applicants respectfully traverse the rejection. *Maxson* generally discloses a screen assembly having four flow modifier portions arranged to provide equal flow areas. Each of the four flow modifier portions are preferably of a length such that its right end will be positioned at the same distance from the previous flow modifier or, in the case of the first flow modifier, from the end cap member. *Maxson* does not teach, show, or suggest a submerged intake filter assembly comprising a cylindrical screen having a screen longitudinal axis, a first end, and a second end, the cylindrical screen defining an interior between the first end and the second end and a primary flow modifier pipe having a diameter less than that of the cylindrical screen and a primary longitudinal axis parallel to the screen longitudinal axis, the primary flow modifier pipe extending into the interior of the cylindrical screen through the first end of the cylindrical screen, thereby forming an annular space between the primary flow modifier pipe and the cylindrical screen wherein the primary flow modifier pipe and the cylindrical screen are eccentric at the first end, as recited in claims 1 and 8-10.

Additionally, *Maxson* does not teach, show, or suggest a submerged intake filter assembly comprising of a primary flow modifier pipe having a primary longitudinal axis and extending into the interior of the cylindrical screen through the first end of the cylindrical screen, the screen longitudinal axis and the primary longitudinal axis being collinear and the cylindrical screen having a greater diameter than the primary flow modifier pipe, thereby creating an annular space between the primary flow modifier pipe and the first end of the screen and a secondary flow modifier pipe positioned in the annular space and extending into the interior of the cylindrical screen, wherein the primary flow modifier pipe and the secondary modifier pipe are eccentric at the first end, as recited in claims 15 and 18.

Furthermore, *Maxson* does not teach, show, or suggest a submerged intake filter assembly comprising a secondary flow modifier pipe having an interior completely positioned in the annular space and extending into the interior of the cylindrical screen and a second secondary flow modifier pipe having a second secondary longitudinal axis and an interior completely positioned in the annular space and extending into the interior of the cylindrical screen, wherein the secondary flow modifier pipe defines a secondary longitudinal axis, the secondary longitudinal axis and the second secondary longitudinal

axis being positioned different distances from the primary longitudinal axis, as recited in claims 36, 41, 42, and 45. Therefore, Applicants believe claims 1, 8-10, 15, 18, 36, 41, 42, and 45 are in condition for allowance, and respectfully request allowance of the same.

Claims 1, 6, 15, 18, 36, and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *McFarlin*, U.S. Patent No. 3,037,636 and U.S. Patent No. 2,572,173. The Examiner states that *McFarlin* ('636 and '173) discloses a cylindrical screen having a primary modifier that forms an annular space therebetween. The Examiner further states that *McFarlin* discloses a secondary flow modifier in the annular space and the secondary flow modifier extends further into the interior than the primary modifier.

Applicants respectfully traverse the rejection. *McFarlin* ('636 and '173) generally discloses a strainer having a neck that is surrounded by a baffle member. The baffle member is concentric with the neck and extends beyond the inner end thereof to a point that is a predetermined distance from the bottom. *McFarlin* does not teach, show, or suggest a submerged intake filter assembly comprising a cylindrical screen having a screen longitudinal axis, a first end, and a second end, the cylindrical screen defining an interior between the first end and the second end and a primary flow modifier pipe having a diameter less than that of the cylindrical screen and a primary longitudinal axis parallel to the screen longitudinal axis, the primary flow modifier pipe extending into the interior of the cylindrical screen through the first end of the cylindrical screen, thereby forming an annular space between the primary flow modifier pipe and the cylindrical screen wherein the primary flow modifier pipe and the cylindrical screen are eccentric at the first end, as recited in claims 1 and 6.

Additionally, *McFarlin* does not teach, show, or suggest a submerged intake filter assembly comprising of a primary flow modifier pipe having a primary longitudinal axis and extending into the interior of the cylindrical screen through the first end of the cylindrical screen, the screen longitudinal axis and the primary longitudinal axis being collinear and the cylindrical screen having a greater diameter than the primary flow modifier pipe, thereby creating an annular space between the primary flow modifier pipe and the first end of the screen and a secondary flow modifier pipe positioned in the annular space and extending into the interior of the cylindrical screen, wherein the

primary flow modifier pipe and the secondary modifier pipe are eccentric at the first end, as recited in claims 15 and 16.

Furthermore, *McFarlin* does not teach, show, or suggest a submerged intake filter assembly comprising a secondary flow modifier pipe having an interior completely positioned in the annular space and extending into the interior of the cylindrical screen and a second secondary flow modifier pipe having a second secondary longitudinal axis and an interior completely positioned in the annular space and extending into the interior of the cylindrical screen, wherein the secondary flow modifier pipe defines a secondary longitudinal axis, the secondary longitudinal axis and the second secondary longitudinal axis being positioned different distances from the primary longitudinal axis, as recited in claims 36 and 39. Therefore, Applicants believe claims 1, 6, 15, 18, 36, and 39 are in condition for allowance, and respectfully request allowance of the same.

Claims 7 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *McFarlin* as applied to claims 6 and 39 above, and further in view of *Maxson*. Applicants respectfully traverse the rejection. As discussed in a previous paragraph, Applicants believe claims 1 and 36 are in condition of allowance. Since claims 7 and 40 depend from claims 1 and 36, Applicants believe claims 7 and 40 are in condition for allowance, and respectfully request allowance of the same.

Claim 2 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have rewritten claim 2 as new claim 47. Therefore, Applicants believe claim 47 is in condition for allowance, and respectfully request allowance of the same.

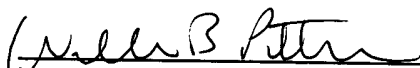
Claims 22-28 would be allowable if amended to overcome the rejection under 35 U.S.C. § 112. In response, Applicants have amended claims 22-28 and respectfully request allowance of the same.

The disclosure is objected to due to informalities. Accordingly, Applicants have amended the disclosure. Therefore, Applicants respectfully request the objection be removed.

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the apparatus of the present invention. Having

addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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